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Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT**

**DISTRICT OF OREGON**

**ASTORIA DOWNTOWN MARKET, et  
al.,**

Case No.: 3:18-cv-01367-AC

Plaintiffs,

v.

STIPULATED SETTLEMENT ON  
PLAINTIFFS' MOTION FOR  
ATTORNEYS' FEES AND COSTS

**UNITED STATES OF AMERICA,**

Defendant.

Defendant United States of America and Plaintiffs Astoria Downtown Market and Samuel  
McDaniel ("Plaintiffs") hereby submit and respectfully request that the Court approve this

stipulation providing for disposition of Plaintiffs' Motion for Award of Attorneys' Fees and Costs and to Tax Costs upon execution of the Parties' settlement agreement.

Plaintiffs filed their Motion for Award of Attorneys' Fees and Costs and to Tax Costs March 27, 2020. ECF 51. The Parties filed a Joint Motion for Time to provide time for the Parties to negotiate fees and costs. ECF 53. This Court issued an order extending Defendant's deadline to respond to Plaintiffs' motion to May 18, 2020. The parties have now reached agreement on fees and costs to resolve Plaintiffs' claim.

According to the Parties' settlement agreement, FNS agrees to pay Plaintiffs \$10,821.00 (ten thousand eight hundred twenty-one dollars) to settle Plaintiffs' claim for attorney fees and costs in this matter. Payment shall be made to Plaintiffs' counsel by electronic funds transfer to Mr. Tapp's and Mr. Repp's respective IOLTA accounts. These trust accounts will receive the payment on behalf of all Plaintiffs. Undersigned counsel for Plaintiffs shall provide the appropriate account numbers and any other information needed to make payment to the undersigned counsel for Defendant. Defendant agrees to submit all the necessary paperwork to accomplish the funds transfer. FNS agrees to make good faith efforts to expeditiously process said payment.

Plaintiffs agree to accept this payment in full satisfaction of any and all claims for attorneys' fees, expenses, costs and/or other amounts incurred, directly or indirectly, related to the Complaint and/or the above-captioned case, including any claim under the Equal Access to Justice Act, 5 U.S.C. § 2412 et seq., and/or any other statute.

Plaintiffs' counsel shall submit confirmation of receipt of payment in the amount of to counsel for Defendant, within ten days of receipt of payment. Plaintiffs acknowledge that under 31 U.S.C. §§ 3711, 3716; 26 U.S.C. § 6402(d); 31 C.F.R. §§ 285.5, 901.3, and other authorities, the United States will offset against the award of attorneys' fees and costs Plaintiffs' delinquent debts to

the United States, if any. Upon receipt of the payment agreed to by the Parties, Plaintiffs will withdraw their motion for attorneys' fees and costs.

The undersigned representatives of the Parties certify that they are fully authorized by the respective Parties whom they represent to enter into the terms and conditions of this stipulation and to legally bind such Parties to it.

DATED: May 18, 2020

By: s/ Andrew Z. Tapp  
ANDREW Z. TAPP, Florida Bar #68002  
Metropolitan Law Group, PLLC  
*Pro Hac Vice*

DATED: May 18, 2020

By: s/ Robert E. Repp  
ROBERT E. REPP, OSB #742687  
Attorneys for Plaintiff

DATED: May 18, 2020

By: BILLY J. WILLIAMS  
United States Attorney  
District of Oregon

s/ Alison Milne  
ALISON MILNE, OSB #155212  
Assistant United States Attorney  
Attorneys for Defendant